

CONSERVATION EASEMENT

STATE OF FLORIDA
COUNTY OF LEON

THIS CONSERVATION EASEMENT is hereby made on this 26th day of June, 2003, by W. KIRK BROWN and PATRICIA L. BROWN, Husband and Wife, whose mailing address is P. O. Box 38006, Tallahassee, FL 32315, hereinafter referred to as the *Grantors*, to LEON COUNTY, FLORIDA, a political subdivision of the State of Florida, whose mailing address is Board of County Commissioners, 301 South Monroe Street, Tallahassee, FL 32301, hereinafter referred to as the *Grantee*.

Witnesseth:

For and in consideration of the mutual promises and other good and valuable considerations as set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Grantors do hereby grant to the Grantee and its successors and assigns, a perpetual Conservation Easement in accordance with Section 704.06, Florida Statutes, over and across the real property more particularly described on Exhibit A, which is attached hereto and expressly incorporated herein, on the terms and conditions hereinafter set forth:

The following activities are prohibited within this easement, pursuant to Section 704.06, Florida Statutes:

1. Construction or placing of buildings, roads, signs, billboards, or other advertising, utilities, or other structures above or on the ground.
2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials.
3. Removal or destruction of trees, shrubs, or other vegetation.
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such matter as to affect the surface.
5. Surface use except for purposes that permit the land or water area to remain predominately in its natural condition.
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conversation, or fish and wildlife conservation habitat preservation.
7. Acts or uses detrimental to such retention of land or water areas.
8. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archeological, or cultural significance.

Notwithstanding the foregoing, the Grantors, or their assigns, shall be permitted to perform the activities set forth in the plan attached hereto as Exhibit B, which also establishes additional conditions applicable to this Conservation Easement and addresses maintenance responsibilities.

It is understood that the granting of this easement entitles Grantee to enter the above-described land in a reasonable manner at reasonable times to assure compliance with the conditions of this easement.

Grantors hereby fully warrant the title to said real property and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good rights and lawful authority to grant this easement and that the same is unencumbered.

Where the context of this easement requires, allows or permits, the same shall include the successors or assigns of the parties.

The easement granted hereby shall run with the land and shall enure to the benefit of the Grantee and its successors and assigns.

IN WITNESS WHEREOF, Grantors have caused these covenants to be executed and its seal to be affixed hereto on the day and year first above written.

Witness:

Barbara M. Sullivan
(Sign)
Barbara M. Sullivan
(Print Name)

GRANTORS:

W. Kirk Brown
W. KIRK BROWN

Witness:

Cindy Donovan
(Sign)
Cindy Donovan
(Print Name)

Patricia L. Brown
PATRICIA L. BROWN

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me on this 26th day of June, 2003, by W. KIRK BROWN and PATRICIA L. BROWN, who are personally known to me and who did not take an oath.

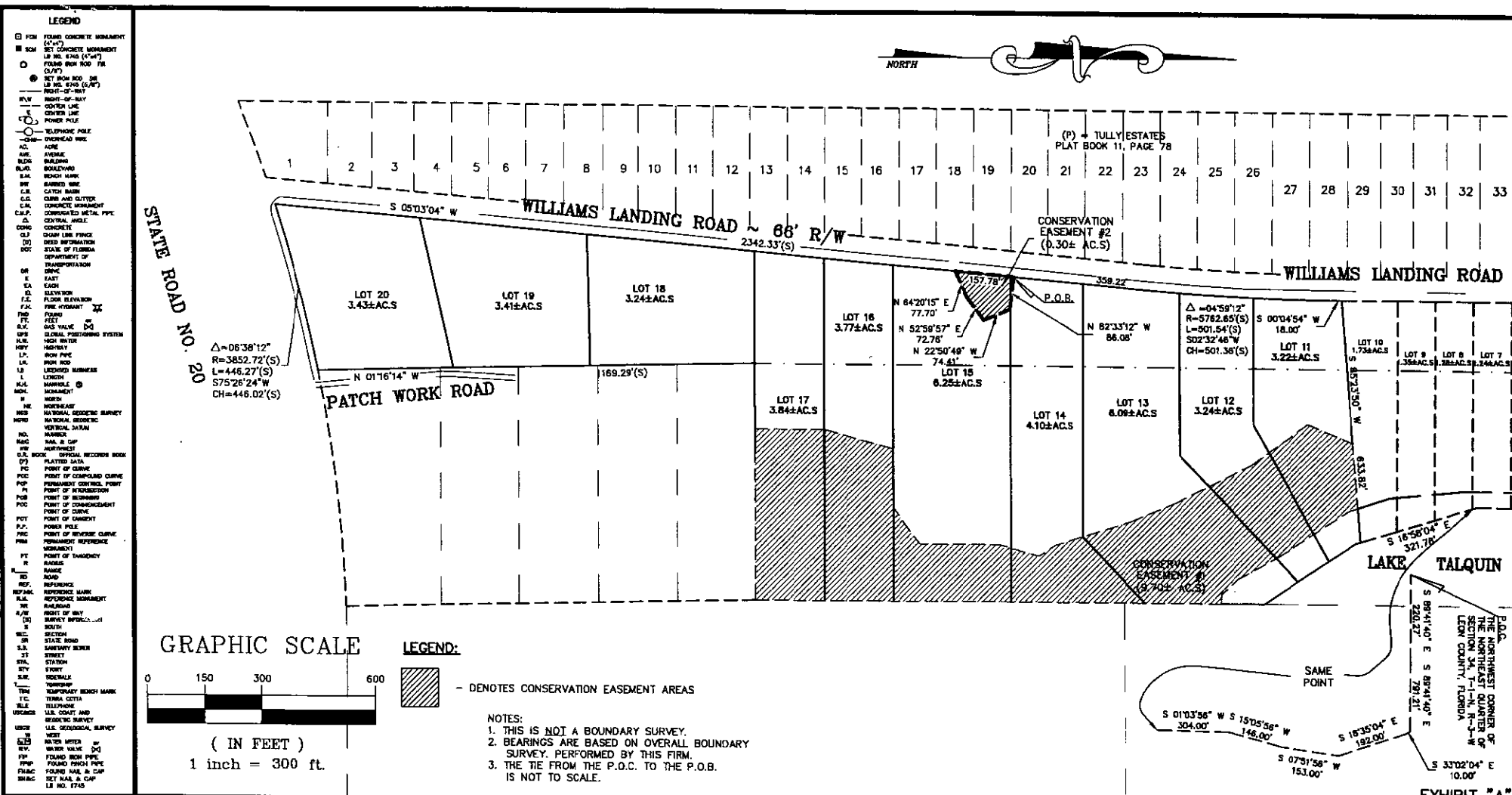
Cindy Donovan
Notary Public

Prepared by:

W. KIRK BROWN
Attorney at Law
P. O. Box 38006
Tallahassee, FL 32315



CINDY DONOVAN
MY COMMISSION # DD 161119
EXPIRES: January 16, 2007
Bonded Thru Budget Notary Services



NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR. ANY ALTERATIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THERE ARE DEEDS OF RECORD UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT BOUNDARIES.

DRAWN BY :	BD
CHECKED BY :	BFB
DATE :	06/20/03
REVISED:	
SCALE	1" = 300'

BARBARA JO BERGSTROM
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA
LICENSE NO. 5754

POOLE ENGINEERING & SURVEYING, Inc.

LB NO. 8745

2145 DELTA BOULEVARD, SUITE 100
TALLAHASSEE, FLORIDA 32303
TELEPHONE #: (850) 386-5117

SKETCH AND DESCRIPTION OF
0.30± ACRE CONSERVATION EASEMENTS
LOCATED IN
SECTION 34, T-1-N, R-3-W
LEON COUNTY, FLORIDA

WILLIAMS LANDING

1
OF 2
JOB NO.
0310

CONSERVATION EASEMENT MANAGEMENT & MAINTENANCE PLAN

Notice: This plan does not necessarily provide exemption from any other applicable local, state, or federal regulations.

A. The Following Activities Are Allowed Within Conservation Easement Area #2:

1. Eradication of invasive and nuisance plant species through the application of herbicides or by physical removal of such plants. Herbicides must be applied in accordance with the manufacturer's labeling. As used herein, "invasive" species are those plants listed by the Florida Exotic Pest Plant Council's (EPPC) List of Invasive Species. "Nuisance" species are native plants not listed by the EPPC but are considered undesirable due to their competitive effects, such as grapevine, cattail, dog fennel, catbriar, etc. The Leon County Department of Growth and Environmental Management or its successor must be contacted prior to the eradication of nuisance plants to ensure the County agrees with designating the particular plant species as being a nuisance species.
2. Planting of native species that are adapted to local site conditions. Any proposed planting of additional vegetation should first be submitted to the Leon County Department of Growth and Environmental Management or its successor for review and approval.
3. Removal of dead, diseased, or dying vegetation other than standing dead or dying trees unless such trees pose a safety threat. Such removal of vegetation must be conducted in a manner that minimizes disturbance to the soil surface and minimizes impacts to nearby plants other than invasive or nuisance species.
4. Any other activities specifically authorized by an Environmental Management Permit issued by the Leon County Department of Growth and Environmental Management or its successor.

B. Special Conditions Applicable to Conservation Easement Area #2:

In consideration of the fact that Conservation Easement #2 has been established to encumber and protect a former cemetery of potential archaeological, cultural, and historic significance, the following conditions shall apply solely to this conservation easement area:

1. In addition to the activities authorized in Section A, the following activities are allowed:
 - (a). Vegetation in the groundcover stratum (e.g. all plants which are less than 4.5 feet tall or have a diameter at breast height of less than 1 inch) can be trimmed so as to maintain an orderly appearance as long as such maintenance activities do not disturb marked and unmarked graves, do not inhibit re-growth of desirable native plant species, and do not create potential erosion problems. If mechanized equipment is used for maintenance, only small mechanized equipment such as small mowers (excluding self-propelled mowing equipment) and hand-held string trimmers (commonly referred to as "weed-eaters") can be utilized.
 - (b). The existing fence surrounding the cemetery can remain. Activities necessary to properly maintain this fence are allowed. If necessary, the existing fence can be removed and a new fence constructed as long as the new fence is installed in the same location as the existing fence or along the boundary of the conservation easement area, the new fence is constructed in such a fashion that it includes a gate or other means of accessing the conservation easement area directly from the Williams Landing Road right-of-way, and fence construction does not disturb marked or unmarked graves.
2. The property owners (lot owners) of Lots 14 and 15 shall install permanent marker posts at each corner of the conservation easement area boundary and permanent marker posts along said boundary

Exhibit B
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between the corner posts sufficient to delineate the limits of this conservation easement area. The property owners of Lots 14 and 15 shall be equally responsible both for the installation and the maintenance of the marker posts. The property owners of Lots 14 and 15 shall pay their prorata share of the cost of installing and maintaining the marker posts. If the property owners of Lots 14 and 15 mutually agree to install a fence along the conservation easement area boundary then marker posts will not be required; however, property owners of Lots 14 and 15 shall be equally responsible for the installation, maintenance, and repair of this fence and shall pay their prorata share of the cost of fence construction, maintenance, and repair activities.

3. Disturbance of marked and unmarked graves, including marker stones, monuments, and artifacts associated with the gravesites, is strictly prohibited.
4. Relatives, descendants, and acquaintances of any person buried in the conservation easement area shall have the right to visit the conservation easement area at reasonable times and in a reasonable manner.
5. Nothing contained in this Conservation Easement shall act to prohibit any person so entitled from exercising any rights secured by Section 704.08 Florida Statutes.

C. General Maintenance of Conservation Easement Area #2:

The conservation easement area must be maintained in perpetuity such that the average percent cover accounted for by invasive plant species does not exceed 5 percent and the average percent cover accounted for by nuisance plant species does not exceed 10 percent. Immediately following a maintenance event, the average percent cover by invasive and nuisance plant species should be as close to 0 percent as possible.

Maintenance of the conservation easement area shall be the responsibility of the individual lot owner upon whose property a given conservation easement area or portion thereof is located. Except as indicated in subsection B.2, an individual lot owner affected by this maintenance requirement will only be responsible for the maintenance of that portion of each conservation easement area located on the lot owner's property. The property owner (lot owner) shall be deemed to be the person or persons shown as the property owner on the tax roll of the Leon County Property Appraiser.